

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15886 of 2005

ORAL ORDER:

This writ petition is filed seeking Certiorari to call for the records relating to proceedings of third respondent in R.C.No.1183/02/B dated 20.11.2004, as confirmed by the second respondent vide proceedings in A.C.No.21/2004/CSR/7 dated 16.1.2005 and further confirmed by the first respondent in proceedings R.P.No.1/2005/CSR7 dated 2.4.2005 and declare the same as illegal and arbitrary.

It appears, petitioner is a fair price shop dealer of Lingampet village, Golugonda mandal, Narsipatnam sub-division, Visakhapatnam district. While so, his authorisation was cancelled by the third respondent vide proceedings dated 20.11.2004. The charges levelled against the petitioner are as under:

- (1) The essential commodities has to be distributed as per Condition Nos.6, 7 and 8 of authorisation issued under A.P. State Public Distribution Control Order, 2001 and as per the instructions of the authorities. At the time of inspection, it is found that there are variations in the stocks.

Commodity	Opening Balance	Stocks Lifted	Total	Distribution	Closing Balance	Ground Stocks	Variation
Rice	37.50	80.64	128.14	51.13	67.01	58.65	8.36 (less)
Sugar	--	3.00	3.00	2.50	0.50	½	0.11 ½ (less)
K.Oil	10 ltrs.	1320 lt	1330lt	1355 ltrs.	--	72 ltrs.	97 excess

- (2) As per Condition 4(1) of the authorisation entries have to be made in the sales register with regard to the stocks distributed, but you have entered in the registers as if total K. oil distributed by distributing less quantity and you have to complete the accounts day to day. But you have violated above condition without maintaining proper accounts.

The petitioner submitted his explanation and after considering the said explanation, the third respondent recorded the following finding:

“After verification of the explanation submitted by the dealer, it is found that he is maintaining the shop without following the instructions issued by the authorities. Hence, he failed to run the F.P. shop. Hence, the charges levelled against him are proved.

For the reasons above, it is proved that Sri Marrisa Swamy Naidu, F.P. Shop Dealer, Lingampet village, Golugonda mandal has violated condition 4(1), 6, 7, 8, 11 of the authorisation issued under A.P.P.D.S.C. Control Order, 2001 and he is removed from the dealership and his

authorisation hereby cancelled”.

Except this, no findings have been arrived on the basis of any record or on the basis of report of the Mandal Revenue Officer. The appellate authority and the revisional authority also repeated the same and no detailed discussion was made by them.

I am of the opinion that the impugned order passed by the third respondent, as confirmed by the second respondent and further confirmed by the first respondent are in gross violation of principles of natural justice, therefore, the same are liable to be set aside and accordingly set aside and the matter is remitted back to the third respondent for passing fresh orders after hearing the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained.

The writ petition is accordingly disposed of. No order as to costs.

C.V.RAMULU, J

Date: 30.11.2006
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W.P.No.15886 of 2005

30.11.2006

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15886 of 2005

Date: 30th November, 2006

Between:

M.Swami Naidu

Petitioner

And

District Collector,
Visakhapatnam & others.

.. Respondents